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09/910,583

07/20/2001

Kevin Mukai

005047/DSM/PMD/JW

1386

45401 7590 10/31/2008

APPLIED MATERIALS/BSTZ
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EXAMINER

TUROCZY, DAVID P

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KEVIN MUKAI
and SHANKAR CHANDRAN

Appeal 2008-4473
Application 09/910,583
Technology Center 1700

Decided: October 31, 2008

Before BRADLEY R. GARRIS, CHUNG K. PAK, and
CHARLES F. WARREN, *Administrative Patent Judges*.

PAK, *Administrative Patent Judge*.

ORDER REMANDING TO THE EXAMINER

This case is not ripe for review and is, therefore, remanded to the Examiner for appropriate action. 37 C.F.R. § 41.50(a) (1); *see also Manual of Patent Examining Procedure* § 1211 (Eighth ed., Rev. 6, September 2007).

The Examiner relies on, *inter alia*, the computer translation of the Korean Unexamined Patent Application Publication 2001055915 published

on July 4, 2001(hereinafter “Yang”) in the ground of rejection set forth at page 3 of the Answer. However, the computer translation is not sufficiently complete and clear to properly consider the ground of rejection on appeal.

To determine the propriety of the Examiner’s ground of rejection set forth in the Answer, we need to understand all of the specific teachings of the prior art references, as well as any inferences one of ordinary skill in this art would have reasonably been expected to draw therefrom. *See In re Fritch*, 972 F.2d 1260, 1264-65, (Fed. Cir. 1992); *In re Preda*, 401 F.2d 825, 826 (CCPA 1968). This, of course, requires an accurate English translation of the full disclosure of Yang.

ORDER

Accordingly, it is ORDERED that the Examiner

- 1) Supply an accurate English translation of the full disclosure of Yang; and
- 2) Provide, if appropriate and necessary in view of the accurate English translation of the full disclosure of Yang, a further explanation of the facts and reasons supporting the ground of rejection set forth in the Answer via a Supplemental Answer.

This remand to the examiner pursuant to 37 CFR § 41.50(a)(1) is made for further consideration of a rejection. Accordingly, 37 C.F.R. § 41.50(a)(2) applies if a supplemental examiner's answer is written in response to this remand by the Board.

REMANDED

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Application 09/910,583

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